

Remarks:

Reconsideration of the above referenced application in view of the enclosed remarks is requested. Existing claims 1 to 37 remain in the application.

ARGUMENTS

Rejections under 35 U.S.C. § 103

Claims 1-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over USPN 5,760,917 to Sheridan (hereinafter, “Sheridan”) in view of USPN 6,389,460 to Stewart et al. (hereinafter, “Stewart et al.”). This rejection is respectfully traversed and Claims 1-37 are believed allowable based on the following discussion.

The Examiner has misunderstood the scope of the claimed invention. The location-identifying information, as described and claimed, is information associated with an image location. This is not the location of the actual stored electronic image, or where the image was scanned, but the location of where the image was photographed, or rather, the location of the subject of the image. This definition would be apparent to one of skill in the art after reading the disclosure. While it is understood that the Examiner may read the claims broadly, the claims must be read in light of the description of the invention.

The Examiner cites Sheridan at a number of locations. However, after review of the cited text, it seems that the only specific reference to a “location” may be found at Col. 6, lines 60-63. However, Sheridan describes that an identification signal includes a scanner location. The Examiner now admits that Sheridan fails to teach the location of the subject image. In the present Office Action, the Examiner attempts to find another reference to show the location of the subject image, and cited Stewart et al.

The Examiner cites Stewart et al., Col. 5, lines 11-31 in an attempt to cite a reference teaching the location of the subject image. It seems that the Examiner still misunderstands the scope of the invention. In the Specification, at least on page 6, location identifying information is defined:

“The location-identifying information, whether in its original form or in the form of relevant location data, is then applied 250 to one or more sharing rules 140, if any are applicable 240, to determine to which one or more recipients an image should be made available. For example, a sharing rule may define that **all images taken in Seattle, Washington** should be shared with a particular recipient (e.g. James) or group(s) of recipients. Referring to FIG. 1, location-identifying information in the form of location data Seattle, Washington is applied to two sharing rules, namely “**Share Seattle, Washington images with James**” and “**Share John’s house images with John**.” Since the location-identifying information only satisfies one of those two sharing rules, namely “**Share Seattle, Washington images with John**”, the image related to the location-identifying information is only made available to John (subject to any other rules or conditions as discussed below). The location-identifying information may also be useful for addition to a location database, if implemented i.e. **Seattle, Washington may have been identified manually and the location-identifying information along with the manually identified location data may be added to a location database** for use with an implemented location-identifying information conversion feature.” [emphasis added]

It will be understood by one of ordinary skill in the art that the physical location of the image *subject* is a location identifying the location of what is *in* the image and not of the electronic image location within a network or database, or a location where the image was scanned, or the location of a user. If a picture is taken of John’s house in Tacoma, WA and another image is of Johns’ vacation to the beach in Atlantic City, NJ, the location identifying information for the first image is Tacoma, WA. The location information for the second image is Atlantic City, NJ. In this way, images can be shared based on the location of the image subject. It might be possible that John only wants to share images of his home and not his vacation. In that case, the location of the subject of the image is applied in the rule and only Tacoma, WA images may be viewed, for instance. The specification also discusses identifying the proximity of the location to widen (or narrow) the effect of location information.

In contrast, the cited reference, in Stewart et al. (Col. 5, lines 11-31), teach that “The directory location where each object is to be stored is identified by an object locator associated with the network together with state and authorization information.” The location used here is the location of the directory where the object is to be stored. At no time at the cited reference do Stewart et al. teach or suggest location information associated with the physical location of the image *subject*. The location of the image

subject is not the same as the location of the actual electronic image, in a database or otherwise. If the images of John's house in Seattle, WA are stored as an object in a database where the database resides on a server in Washington, D.C., the location of the image subject will still be Seattle, WA and the location of the electronic image object will be Washington, DC. Therefore, it is clear that the cited reference does not teach the recited limitation.

As admitted by the Examiner, Sheridan fails to distinctly show each and every limitation of the claimed invention. Stewart et al. fails to teach or suggest *location-identifying information associated with a physical location of the image subject*, as recited in the independent claims. Thus, the Examiner has failed to provide a *prima facie* case of obviousness and this rejection must be withdrawn.

Independent Claims 1, 9, 17, 25 and 31 and their progeny are believed allowable and should be permitted to issue at the earliest possible time.

CONCLUSION

In view of the foregoing, Claims 1 to 37 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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